

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

February 8, 2006

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In the Matter of  
West Newbury Highway  
Department

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Docket No. 2005-227  
File No. 78-461  
West Newbury

**RECOMMENDED FINAL DECISION**

The applicant, West Newbury Highway Department was issued a superseding order of conditions from the Department's Northeast Regional Office on October 18, 2005, affirming the West Newbury Conservation Commission's issuance of an order of conditions to pave Ash Street in West Newbury, MA


On November 1, 2005, Robert Lovejoy the authorized representative of a group of residents of West Newbury filed a request for an adjudicatory hearing seeking review of the superseding order of conditions pursuant to the Wetlands Protection Act.

A screening conference was scheduled for February 8, 2006, however, on February 7, 2006, this office received a fax from the applicant, indicating that due to recent findings by the Department of Fisheries and Wildlife, the West Newbury Board of Selectmen, has voted to formally withdraw the proposed plan on file to pave the road. In other words, they have decided withdraw the Notice of Intent (NOI).

I, therefore, recommend this appeal to be dismissed as moot. The Superseding Order of Conditions issued by the Department's Northeast Regional Office (File No. 78-461) on October 18, 2005 granting the project is vacated.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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**NOTICE**

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c.30A. The Commissioner's final decision is subject to rights and reconsideration and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Ann Lowery  
Presiding Officer

*Adopted by Commissioner Robert W. Golledge, Jr., February 13, 2006.*